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7

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION  
10

11 UNITED STATES OF AMERICA,  
12  
Plaintiff,  
13  
v.  
14 GENARO DOMINGUEZ CHAVEZ,  
15 Defendant.  
16

4-13-70375 MAG

STIPULATION TO CONTINUANCE  
AND EXCLUSION OF TIME UNDER  
THE SPEEDY TRIAL ACT, 18 U.S.C. §  
3161 ET. SEQ.; ORDER

17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the  
18 arraignment date of April 24, 2013 presently scheduled at 9:30 a.m., before the Honorable Donna  
19 M. Ryu, be vacated and re-set for May 9, 2013 at 9:30 a.m.

20 The requested continuance is necessary because defense counsel has recently received  
21 discovery and requires times to review it. The parties are presently negotiating a potential pre-  
22 indictment plea. The parties agree that an extension of time for the filing of an indictment, pursuant  
23 to 18 U.S.C. § 3161(b) and (h), is in the best interest of the defendant and the government and will  
24 provide the parties with necessary time to review discovery in the case and discuss a plea agreement.

25 The parties agree and stipulate that the time until May 9, 2013 should be excluded, under  
26

1 18 U.S.C. §3161(h)(7)(A) and 18 U.S.C. §3161(h)(7)(B)(iv), because the ends of justice served by  
2 the granting of the continuance outweigh the best interests of the public and the defendant in a  
3 speedy and public trial. The parties further agree that the time for conducting a preliminary hearing  
4 should be extended, under Rule of Criminal Procedure 5.1(d) for the reasons stated above and with  
5 the consent of the defendant. The continuance is necessary to afford the Defendant effective  
6 preparation of counsel.

7 Date: April 23, 2013

8 /s/  
ELLEN V. LEONIDA  
Assistant Federal Public Defender  
Counsel for defendant Genaro Chavez

10 Date: April 23, 2013

11 /s/  
KEVIN J. BARRY  
Assistant United States Attorney

13 **ORDER**

14 The court finds that the ends of justice served by the granting of the continuance outweigh  
15 the best interests of the public and the defendant in a speedy and public trial. The continuance is  
16 necessary to afford the defendant effective preparation of counsel. Based on these findings, IT IS  
17 HEREBY ORDERED THAT the above-captioned matter is continued to May 9, 2013 at 9:30 a.m.,  
18 before the Oakland Duty Magistrate, and that time is excluded until May 9, 2013 pursuant to 18  
19 U.S.C. § 3161(h)(7)(a) and 18 U.S.C. §3161(h)(7)(B)(iv). For good cause, and with the consent of  
20 the defendant, the time for conducting a preliminary hearing is extended to May 9, 2013 pursuant  
21 to Rule 5.1(d).

22 IT IS SO ORDERED.

23 4/23/2013

24 Date

25   
26 HON. DONNA M. RYU  
UNITED STATES MAGISTRATE JUDGE